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**PCT**

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Déposant COMMISSARIAT A L'ENERGIE ATOMIQUE etc	

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## PATENT COOPERATION TREATY

PCT/FR2003/001087



Translation

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B14039.3 JCI	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001087	International filing date (day/month/year) 07 avril 2003 (07.04.2003)	Priority date (day/month/year) 08 avril 2002 (08.04.2002)
International Patent Classification (IPC) or national classification and IPC C03B 5/02		
Applicant COMMISSARIAT A L'ENERGIE ATOMIQUE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 octobre 2003 (29.10.2003)	Date of completion of this report 14 July 2004 (14.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001087

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-14 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-10 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 15 June 2004 (15.06.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/01087

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 750 822

D2: WO 98 05185 A

- Document D1, which is considered the closest prior art, describes a vitrification furnace (10) including a crucible (26) and heating means, characterised in that the heating means include at least one plasma torch (18) in an upper portion of said crucible (column 4, lines 32-33) and at least one induction coil (34) located outside said crucible (column 5, lines 14-18). The subject matter of claim 1 differs therefrom in that the induction coil is located under the crucible and not at the sides thereof.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

- The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1-10 does not involve an inventive step as defined by PCT Article 33(3).

This feature is merely one of several coil positioning options that a person skilled in the art might select according to each particular case. This positioning is all the more obvious in that it is already known to a person skilled in the art (see document D2 for an example of such a positioning).

The solution proposed in claim 2 of the present application cannot therefore be considered to be inventive (PCT Article 33(3)).

2.2. Dependent claims 3-6, 9 and 10 do not contain any feature which, in combination with those of any of the claims to which they refer, defines subject matter which meets the PCT requirements with respect to inventive step, for the following reasons:

2.2.1. In claims 3-6, slight changes in the construction of the vitrification furnace described in claim 2 are defined; these changes form part of standard practice for a person skilled in the art (document D2 provides examples of such changes) and the advantages resulting therefrom are easily foreseeable. Consequently, the subject matter of claims 3-6 does not involve an inventive step either.

2.2.2. The use of an oxygen plasma torch (claims 7 and 8) cannot in itself involve any inventive step.

The technical features of claims 9 and 11 are merely one of a number of available options that a person skilled in the art might select, according to each particular case, without an inventive step being involved. Consequently, the subject matter of claims 9 and 10 does not involve an inventive step either.